

**REMARKS**

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111, and in light of the remarks which follow, are respectfully requested.

Claims 1, 5, 7, and 13 are now pending in this application, with claims 1 and 5 being independent. Claims 1, 5, and 13 have been amended. No new matter has been added.

Initially, Applicants would like to thank Examiner Kruer for the courtesies extended during the personal interview conducted on June 5, 2007, during which the cited art of record was discussed.

***Claim Rejection under 35 U.S.C. §102***

Claims 1, 7, and 13 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by JP03073588A ("Kato") for the reasons set forth in paragraph (2) of the Office Action. Reconsideration and withdrawal of this rejection are requested for at least the following reasons.

The drawn film defined by amended claim 1 is a single layer film of a layer (A) having a peel area from 70 to 100% and a thermal coefficient of contraction from 26 to 30%. Layer (A) comprises a copolymer that is made from 4-methyl-1-pentene and at least one comonomer of ethylene or an  $\alpha$ -olefin having 3 to 20 carbon atoms other than 4-methyl-1-pentene. The drawn film is obtained by monoaxial drawing a three-layer sheet having the structure of (B)/(A)/(B) from 7 to 10 times, and subsequently peeling the layers (A) and (B) from each other. (See Pages 14-15 of the Present Specification).

By drawing a sheet having the structure of (B)/(A)/(B) from 7 to 10 times and peeling the layers (A) and (B) from each other, a single layer film (A) having high

peel area of the film (from 70 to 100%) and a thermal coefficient of contraction from 26 to 30% can be obtained.

As noted in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Office Action asserts that "[t]he film [of Kato] is herein understood to have a peel area of 50% or more . . . because said laminate is taught [t]o exhibit satisfactory releasability from copper foils." (Office Action, Page 3). Applicants respectfully request that the Examiner provide a citation for the assertion that Kato discloses a laminate exhibiting satisfactory releasability from copper foils. Applicants further respectfully submit that satisfactory releasability is not equivalent to the claimed peel area of 70 to 100%.

The Office Action further asserts, "It is known in the art that degree of orientation and thermal coefficient of contraction are directly related to one another. Further, the courts have held that the recognition of a latent property does not patentably distinguish a claimed product from a product anticipated by the prior art." (Office Action, Page 3). As Applicants hereby traverse the assertion that it is known in the art that degree of orientation and thermal coefficient of contraction are directly related to one another, the Examiner is respectfully requested to cite a reference in support of his position. See MPEP § 2144.03. Applicants further respectfully submit that as Kato does not disclose monoaxial drawing a three-layer sheet having the structure of (B)/(A)/(B) from 7 to 10 times and subsequently peeling the layers (A) and (B) from each other, Kato neither discloses nor does the film of Kato have a thermal coefficient of contraction from 26 to 30% along the direction in which is the film is drawn (as a latent property).

Accordingly, Applicants respectfully submit that independent claim 1 is not anticipated by Kato, as each and every element as set forth in independent claim 1 is not found in Kato. In particular, Kato does not disclose a single layer film obtained by drawing a three-layer sheet having a structure of (B)/(A)/(B) and subsequently peeling the layers (A) and (B) from each other, the film having a peel area from 70 to 100% and a thermal coefficient of contraction from 26 to 30% along the direction in which the film is drawn. Claims 7 and 13 depend from claim 1, and thus, contain all the subject matter of claim 1 and for at least the above reasons are also patentable over the prior art.

In view of the above, the §102 rejection over Kato should be reconsidered and withdrawn. Such action is earnestly solicited.

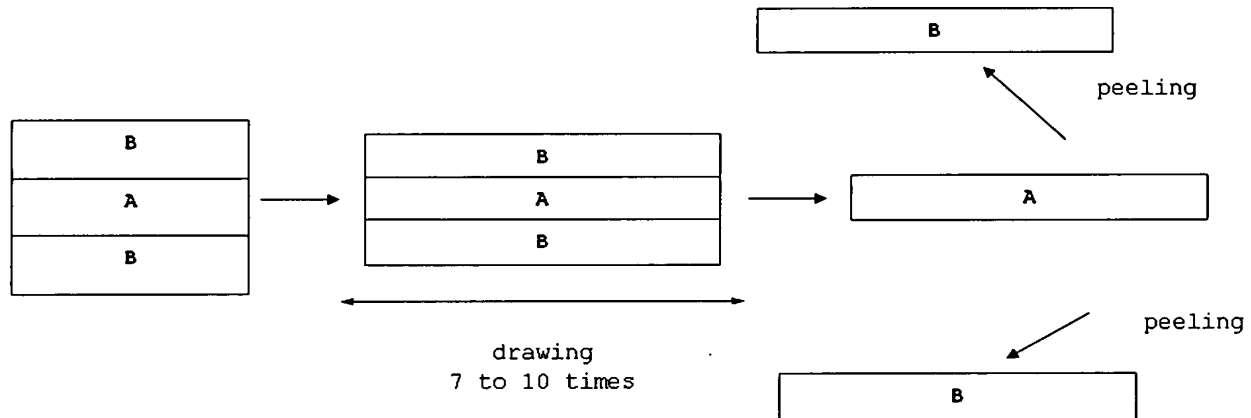
***Claim Rejection under 35 U.S.C. §103***

Claims 1, 5, 7, and 13 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over JP59078850A ("Toppan") in view of EP 1254685 ("Nakahara") for the reasons set forth in paragraph (4) of the Office Action. Reconsideration and withdrawal of this rejection are requested for at least the following reasons.

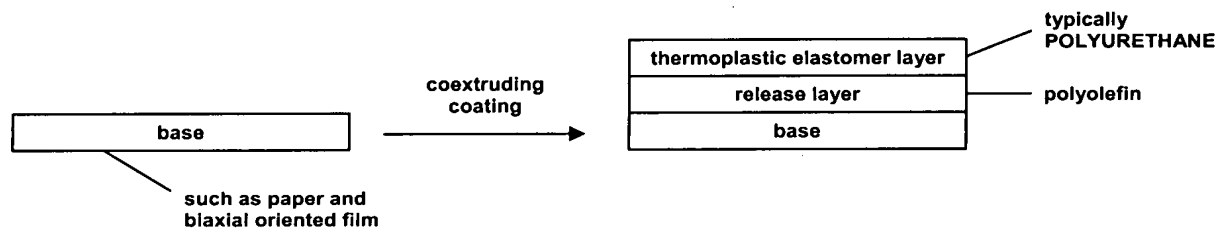
The process defined by amended claim 5 comprises drawing a three-layer sheet having the structure of (B)/(A)/(B), from 7 to 10 times, wherein the (B) layers are formed on layer (A), and peeling the (B) layers from layer (A) to give a drawn film comprising layer (A). The process provides the drawn film having good releasability from a roughened copper foil surface and thermal coefficient of contraction. (See Pages 14-15 of the Present Specification).

The process for producing the film according to the present invention may be illustrated as follows, wherein "A", the single layer film defined in the present

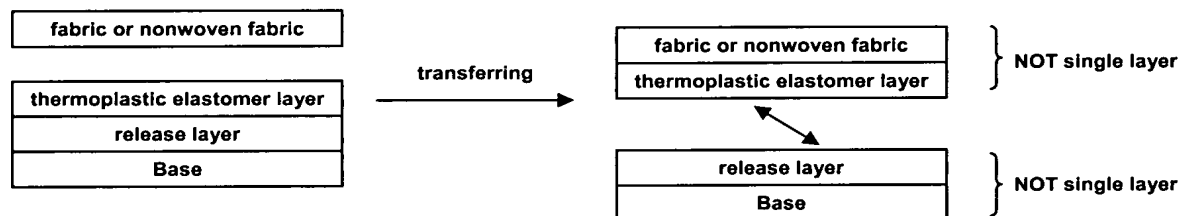
invention, is 4-methyl-1-pentene copolymer and "B" is polypropylene and/or polyethylene:



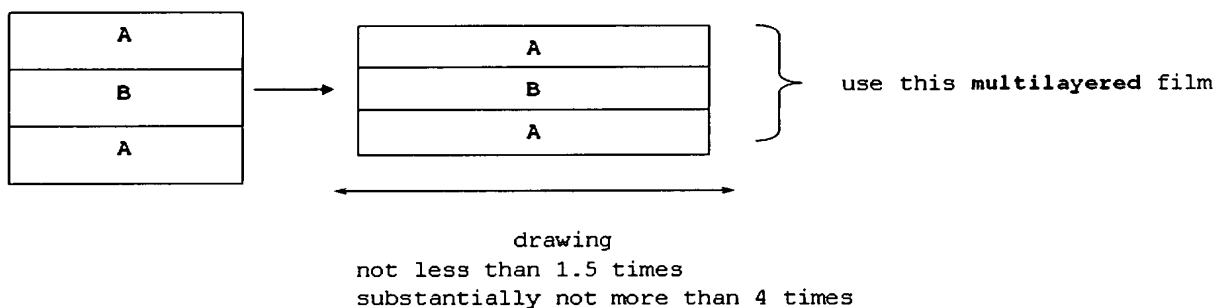
In contrast, the process for producing the laminate according to Toppan may be illustrated as follows:



Thus, while Toppan is cited as teaching "a polymethylpentene co-extruded between two polyolefin release sheets (abstract)" (Office Action, Page 4), Applicants respectfully submit that Toppan discloses a single polyolefin release sheet. Usage of the laminate of Toppan may be illustrated as follows:



Finally, the process for producing the multilayered film according to Nakahara may be illustrated as follows, wherein "A" is 4-methyl-1-pentene copolymer and "B" is polypropylene and/or polyethylene:



According to Nakahara, a single-layer film is obtained by stretching in a stretch ratio of 4. However, this film is not good in stretchability because the number of films with break is 4/5. (See Comparative Example 4 at paragraph [00153] of Nakahara).

As noted in MPEP § 2142, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reasonable basis, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must disclose all the claim limitations. The reasonable basis to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Again, the Office Action asserts that "[t]he film is herein understood to have a peel area of 50% or more . . . because said laminate is taught [t]o exhibit satisfactory releasability from copper foils." (Office Action, Page 5). Applicants respectfully submit that Toppan and Nakahara do not disclose a film obtained by monoaxial drawing a three-layer sheet having the structure of (B)/(A)/(B) from 7 to 10 times and subsequently peeling the layers (A) and (B) from each other, which exhibits satisfactory releasability from copper foils. In particular, the Examples of Nakahara that exhibit "Good" releasability have a biaxial orientation stretch ratio (machine

direction x transverse direction) of 2 x 2. Applicants further respectfully submit that satisfactory releasability is not equivalent to the claimed peel area of 70 to 100%.

Applicants further respectfully submit that as Toppan and Nakahara do not disclose monoaxial drawing a three-layer sheet having the structure of (B)/(A)/(B) from 7 to 10 times and subsequently peeling the layers (A) and (B) from each other, Toppan and Nakahara neither disclose nor does the film of Toppan and Nakahara have a thermal coefficient of contraction from 26 to 30% along the direction in which is the film is drawn (as a latent property).

Applicants point out that the film of Comparative Example 1 of the present application has a structure of 4-methyl-1-pentene copolymer/polypropylene/4-methyl-1-pentene copolymer, as disclosed in Nakahara. The film of Comparative Example 1 of the present application was obtained by drawing 4 times and had a peel area of 30%. In contrast, the film of Example 5 of the present application was obtained by drawing 4.3 times and had a good peel area of 50%. Though the draw ratios of Comparative Example 1 and Example 5 were substantially the same (*i.e.*, 4 versus 4.3), the film of Comparative Example 1 had a peel area of 30%, while the film of Example 5 had an improved good peel area of 50%. Therefore, Applicants respectfully submit that the film disclosed in the present invention has a better peel area than the film disclosed in Nakahara, and the claimed peel area (*i.e.*, from 70 to 100%) does not inherently result from the claimed degree of stretching alone (*i.e.*, 7 to 10 times).

Accordingly, Applicants respectfully submit that even if there were some reasonable basis to combine Toppan and Nakahara, and a reasonable expectation of success, which Applicants do not concede exists, Toppan in view of Nakahara does not disclose all the claim limitations. In particular, Toppan in view of Nakahara does not disclose: (1) a drawn film which is a single layer film of a layer (A) that is

obtained by monoaxial drawing a three-layer sheet having the structure of (B)/(A)/(B) from 7 to 10 times, and subsequently peeling the layers (A) and (B) from each other, and which has a peel area of 70 to 100% and a thermal coefficient of contraction from 26 to 30% along the direction in which the film is drawn (as a latent property), as recited in independent claim 1; or (2) a process for producing a drawn film comprising a layer (A), comprising, *inter alia*, the step of drawing a three-layer sheet having the structure of (B)/(A)/(B), from 7 to 10 times and the step of peeling the layer (B) from the layer (A), as recited in independent claim 5. As noted above, by drawing a sheet having the structure of (B)/(A)/(B) from 7 to 10 times and peeling the layers (A) and (B) from each other, a single layer film (A) having high peel area of the film (from 70 to 100%) and a thermal coefficient of contraction from 26 to 30% can be obtained. Thus, Toppan in view of Nakahara does not disclose the drawn film of independent claim 1 or the process of independent claim 5. Claims 7 and 13 depend from claim 1, and thus, contain all the subject matter of claim 1 and for at least the above reasons are also patentable over the prior art.

In view of the above, the §103 rejection over Toppan in view of Nakahara should be reconsidered and withdrawn. Such action is earnestly solicited.

**Conclusion**

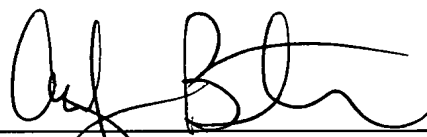
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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